

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:17-cr-55

Plaintiff,

v.

ORDER

Marcus Stephens,

Defendant.

Defendant Marcus Stephens, previously an inmate at Federal Correctional Complex – Allenwood in White Deer, Pennsylvania, has filed a third motion for an order reducing his sentence to time served and providing for his immediate release from custody. (Doc. No. 798). The records of the Federal Bureau of Prisons reflect Stephens is currently under the supervision of the Residential Reentry Management Field Office located in Cincinnati, Ohio. I previously denied Stephens’ motion for compassionate release after concluding he failed to establish extraordinary and compelling reasons to justify a reduced sentence or that a reduced sentence would fulfill the objectives of 28 U.S.C. § 3553(a). (Doc. No. 791). While not labeled as such, Stephens’ motion in effect is one for reconsideration of my earlier opinion.

A party seeking reconsideration of a court’s order generally must show: “(1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or to prevent manifest injustice.” *Plaskon Elec. Materials, Inc. v. Allied-Signal, Inc.*, 904 F. Supp. 644,

669 (N.D. Ohio 1995) (citation omitted); *see also Reich v. Hall Holding Co.*, 990 F. Supp. 955, 965 (N.D. Ohio 1998) (citing *Petition of U.S. Steel Corp.*, 479 F.2d 489, 494 (6th Cir. 1973)).

Stephens has not identified new medical conditions which might constitute extraordinary and compelling reasons to justify a reduced sentence. Nor does he identify a basis to challenge my conclusion that a reduced sentence would not be sufficient to comply with the § 3553(a) factors. While I am sympathetic to his concerns for his health and that of his family, I conclude he has not carried his burden of showing reconsideration is appropriate. Therefore, I deny his motion. (Doc. No. 798).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge